



DEPARTMENT OF ENVIRONMENT & CONSERVATION

Division of Water Pollution Control

401 Church Street

7th Floor, L & C Annex

Nashville, TN 37243-1534

Tennessee General Aquatic Resource Alteration Permits

Alteration of Wet Weather Conveyances

Bank Stabilization

Construction and Removal of Minor Road Crossings

Construction of Launching Ramps and Public Access Structures

Construction of Intake and Outfall Structures

Emergency Road Repair

Maintenance Activities

Minor Alterations to Wetlands

Minor Dredging and Filling

Sand and Gravel Dredging

Sediment Removal for Stream Remediation

Stream Restoration and Habitat Enhancement

Surveying and Geotechnical Exploration

Utility Line Crossings

Wetlands Restoration and Enhancement

General Permit for the Alteration of Wet Weather Conveyances

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes alterations to wet weather conveyances. Wet weather conveyances are defined in the Rules of Tennessee Department of Environment and Conservation (1200-4-3-.04) as "man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and which do not support fish or aquatic life and are not suitable for drinking water supplies." Further, Rule 1200-4-3-.02(6) states that waters identified as wet weather conveyances shall be protective of humans and wildlife that may come in contact with them and shall not degrade or adversely affect the quality of downstream waters.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 3) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 4) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Notification to the division is **not** required for alterations to wet weather conveyances conducted in accordance with all terms and conditions of this General Permit.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) The activity may not result in the discharge of waste or other substances that may be harmful to humans or wildlife.
- 5) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 6) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 7) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.

- 8) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 9) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 10) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.

APPROVED: 
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Bank Stabilization

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes the repair and protection of eroded stream and reservoir banks. Bank stabilization activities typically include grading of the bank to the appropriate slope, based on hydrology, in conjunction with the placement of riprap, gabion baskets and/or installation of bioengineering techniques. Bioengineering techniques shall incorporate primarily materials found in the natural riparian environment, such as cedar tree revetments, rock or log current deflection weirs, live willow post application and log crib structures.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 3) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 4) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 5) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

- 1) Notification to the division is **not** required where:
 - (a) the length of the stream or reservoir bank to be treated is less than three times the top-of-bank width of the stream channel, not to exceed a total length of 50 feet, and where the total volume of soil, sand or gravel disturbed or re-deposited is less than ten cubic yards. Bank stabilization work conducted in accordance with this provision is limited to one site per 1000 linear feet of stream or reservoir bank, and may be done only once without notification; or
 - (b) the activity is located within water resource development lands and waters, including flowage easement, managed by the Tennessee Valley Authority (TVA) or the United States Army Corps of Engineers (USCOE)
- 2) Except as provided in item 1) of this section, notification to the division is required by submission of an original, signed application (form CN-1091) along with the following minimum information:
 - (a) a cover letter explaining the scope of the project;
 - (b) a USGS topographical map showing the exact location of the proposed project; and
 - (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Except as provided in item 1) of this section, work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit, with or without notification, shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) Where the activity is not located within water resource development lands and waters, including flowage easement, managed by the TVA or the USCOE, the placement of riprap is limited to 300 linear feet of stream or reservoir bank. Vegetative or bioengineering methods of bank stabilization and activities located within water resource development lands and waters, including flowage easement, managed by the TVA or the USCOE are not subject to this restriction.
- 5) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 6) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 7) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 8) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 9) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 10) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 11) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 12) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 13) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 14) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 15) The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.

- 16) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 17) Materials used in bank stabilization shall include clean rock, riprap, anchored trees or other non-erodible materials found in the natural environment. Except for activities covered by item 1)(a) of the Notification section, stabilization materials shall not include gravel, sand, sediments, chert, soil or other materials that are likely to erode.
- 18) Materials used in bank stabilization projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 19) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 20) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 21) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 22) Where authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Construction and Removal of Minor Road Crossings

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes the construction and/or removal of minor road crossings. A "minor road crossing" is defined in Rule 1200-4-7-.03 as a bridged or culverted roadway fill across a stream or river which results in the alteration of 200 linear feet or less of stream bed (on a single stream) or shoreline. This permit also authorizes other transportation crossings of the same size restriction such as linear crossings of greenway trails.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the total length of road crossing is more than 200 feet on a single stream, for the entire project, including transitions;
- 2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 3) where the proposed activity may adversely affect wetlands;
- 4) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 5) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 6) where the design of the crossing is anticipated to significantly alter the hydraulics of the stream, such as under-sizing or over widening the channel;
- 7) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 8) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing to construct or remove a road crossing shall notify the division by submission of an original, signed application (form CN-1091) along with the following minimum information:

- (a) a cover letter explaining the scope of the project;
- (b) a USGS topographical map showing the exact location of the proposed project; and
- (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Where the total width of the fill or disturbance to the stream channel for construction for the road crossing is less than 25 feet, activities may commence without written authorization from the division. For crossings greater than 25 feet, work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

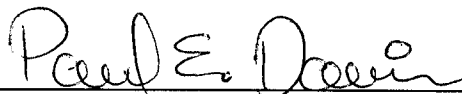
Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) Stream alterations authorized by this general permit must be a part of a single and complete project. This general permit shall not be used in incremental means to combine with other projects to alter larger areas of the stream.
- 5) This permit does not authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, cul-de-sacs and turn arounds.
- 6) Where practicable, the bottom of culverts should be constructed below the stream bed level, in a manner that allows natural substrate to reestablish.
- 7) The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.
- 8) Applicant is responsible for complying with all applicable floodplain regulations. It is the responsibility of the applicant to contact local government officials to determine what the regulations are at the specific location of the proposed project.
- 9) The width of the fill associated with the crossing shall be limited to the minimum necessary for the actual crossing.
- 10) Only clean rock used for the road crossing may be placed directly in the stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 11) The crossing shall be culverted, bridged or otherwise designed to prevent the impoundment of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
- 12) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 13) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 14) Removal of road crossings shall be done in the dry to the maximum extent practicable.
- 15) Where a crossing is removed, the channel shall be returned to stable conditions, which replicates the characteristics (dimensions, shape, substrate, etc.) of the upstream and downstream conditions.
- 16) Upon removal of a crossing, stream banks shall be stabilized. Materials used in bank stabilization shall include clean rock, riprap, anchored trees or other non-erodible materials found in the natural environment.
- 17) Materials used in road crossing projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 18) The excavation and fill activities associated with the road crossing shall be kept to a minimum and shall be separated from flowing waters except in instances involving only the placement of a culvert and clean rock. The crossing shall be constructed in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level.
- 19) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 20) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.

- 21) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 22) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 23) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 24) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 25) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 26) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 27) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 28) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 29) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 30) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 31) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 32) Where authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: _____


Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Construction of Launching Ramps and Public Access Structures

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes the construction of boat launching ramps and public access structures in waters of the state. Public access structures include, but are not limited to, fishing piers, handicap access ramps and greenway trails.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 3) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, where the activity will likely mobilize the contaminated sediments;
- 4) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 5) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 6) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

- 1) Notification to the division is **not** required where the activity is located within water resource development lands and waters, including flowage easement, managed by the Tennessee Valley Authority (TVA) or the United States Army Corps of Engineers (USCOE).
- 2) Except as provided in item 1) of this section, notification to the division is required by submission of an original, signed application (form CN-1091) along with the following minimum information:
 - (a) a cover letter explaining the scope of the project;
 - (b) a USGS topographical map showing the exact location of the proposed project; and
 - (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Except as provided in item 1) of this section, work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit, with or without notification, shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) For proposed projects that are **not** located within water resource development lands and waters, including flowage easement, managed by the TVA or the USCOE, the total width including base fill material, **may not exceed 20 feet**.
- 5) Ramps constructed on fill material shall have the side slopes stabilized with riprap.
- 6) The ramp or public access structures shall be constructed in the dry to the maximum extent practicable during winter drawdown periods of lakes/reservoirs or during low flow periods of free flowing streams.
- 7) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 8) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 9) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 10) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 11) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 12) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 13) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 14) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 15) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 16) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 17) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 18) Materials used in construction of boat launching ramps and public access structures shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 19) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.

- 20) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
21) Where authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Construction of Intake and Outfall Structures

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes the construction, maintenance, repair, rehabilitation or replacement of intake and outfall structures in waters of the state. Authorization under this general permit is **only for the construction of the structures** and does not authorize the water withdrawal or release. Outfall structures include those structures and conveyances used for the discharge of wastewater, storm-water, cooling water, etc. Intake structures include those structures used for the removal of water for the purpose of domestic water supply, irrigation, cooling water, etc. The effluent from the outfall must be separately authorized, conditionally authorized, specifically exempted, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System program (§402 of *The Clean Water Act*). The withdrawal of water by the intake must be separately authorized, specifically exempted, or otherwise in compliance with regulations issued under §69-3-108 of *The Tennessee Water Quality Control Act of 1977*.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 3) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 4) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 5) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 6) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing the construction, maintenance, repair, rehabilitation or replacement of intake and outfall structures under this general permit must notify the division by submission of an original, signed application (form CN-1091) along with the following minimum information:

- (a) a cover letter explaining the scope of the project;
- (b) a USGS topographical map showing the exact location of the proposed project;
- (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Work shall not commence until the applicant has received written authorization from the division that the activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit must comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.

- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) Where practicable and otherwise in accordance with 4)a. and 4)b. below, excavation and backfill activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted through utilization of cofferdams and/or berms. Cofferdams and berms must be constructed of sandbags, clean rock, steel sheeting, or other non-erodible material. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.
 - a. The excavation and fill activities associated with construction of intake and outfall structures on non-navigable streams as defined by §10 of the *Rivers and Harbors Act of 1899*, shall be accomplished in the dry.
 - b. The excavation and fill activities associated with construction of intake and outfall structures of navigable streams as defined by §10 of the *Rivers and Harbors Act of 1899*, where impracticable to work in the dry, the work may otherwise be accomplished within the water column.
- 5) New intake or outfall structures shall be located and oriented such as to avoid permanent alteration or damage to the integrity of the stream channel including the opposite stream bank. The alignment of the outfall structure (except for diffusers) should be as parallel to the stream flow as is practicable, with the discharge pointed downstream. Diffusers may be placed perpendicular to stream flow for more complex mixing.
- 6) Intake and outfall structures shall be designed to minimize harm and to prevent the impoundment of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
- 7) Velocity dissipation devices shall be placed as needed at discharge locations to provide a non-erosive velocity from the structure.
- 8) The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.
- 9) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 10) Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours must be returned to pre-project conditions to the extent practicable and the completed activities may not disrupt or impound stream flow.
- 11) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 12) Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water must be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 13) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 14) Materials used in intake and outfall structures or projects must be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 15) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.

- 16) Sediment must be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 17) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but must be replaced at the end of the work day.
- 18) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps must be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 19) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 20) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 21) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 22) Stabilization measures must be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 23) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 24) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures must be taken immediately to prevent pollution of waters of the state, including groundwater.
- 25) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 26) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: 
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Emergency Road Repair

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes public entities to make stream alterations necessary to repair public roadways or highways in case of imminent threat to public safety.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Notification

- 1) The chief administrative officer of the public highway or transportation department shall notify the division by telephone, as soon as practicable, that an emergency has arisen and indicate their intentions to make repairs in response to the emergency. No advanced authorization is required where immediate repairs are necessary to protect human safety and welfare.
- 2) Within ten days of completion of the emergency repair work, the chief administrative officer shall notify the division, in writing, of the action taken and the nature of the emergency necessitating such immediate repairs.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Emergency repair work shall be limited to that necessary to restore pre-emergency conditions and to remove threat to public safety.
- 4) Channel enlargements or realignments are not authorized under this general permit, other than to restore pre-emergency conditions.
- 5) The extent of stream alteration associated with the emergency road repair undertaken pursuant to this general permit, shall not exceed a total of 400 linear feet.
- 6) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 7) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 8) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for emergency repairs and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 9) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 10) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 11) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.

- 12) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 13) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 14) The repair shall be constructed in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level. Temporary diversion structures shall be removed following project completion.
- 15) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Maintenance Activities

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes the maintenance of existing, previously authorized, currently serviceable structures or fills, such as dams, intake and outfall structures, utilities, culverts, and bridges. This general permit also authorizes the excavation of accumulated sediments and debris and the placement of clean rock fill material in the vicinity of existing structures where the erosive action of flowing water has undermined structural integrity. Further, minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to make the necessary repair or rehabilitation are also authorized. Correspondingly, the placement of new or additional riprap to protect the structure is authorized. "Currently serviceable" means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the structure or fill is to be put to uses differing from the original use or those uses specified in the original permit;
- 2) where the proposed activity may adversely affect wetlands;
- 3) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 4) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 5) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 6) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 7) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

- 1) Notification to the division is **not** required where the work involves excavation of accumulated bedload and unconsolidated sediments, such as loose gravel, from within culverts and for a distance of up to 100 feet up and down the stream.
- 2) Except as provided in item 1) of this section, notification to the division is required by submission of an original, signed application along with the following minimum information:
 - (a) a cover letter explaining the scope of the project;
 - (b) a USGS topographical map showing the exact location of the proposed project; and
 - (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Except as provided in item 1) of this section, work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or an individual permit has been issued.

All activities covered under this general permit, with or without notification, shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) The dredging or excavation of sediment shall be limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but shall not extend further than 100 feet in any direction of the structure.
- 5) Placement of material for scour protection or repair shall be limited to clean rock, riprap, rock-filled wire baskets or mattresses, or concrete contained by formwork for footing repair. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 6) Materials used in maintenance activities shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 7) Placement of material shall not impair flow or be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.
- 8) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 9) Excavation and fill activities shall be kept to a minimum and shall be separated from flowing waters to the extent practicable and necessary. Activities shall be conducted in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level.
- 10) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 11) The placement of riprap shall be the minimum necessary to protect the structure or to ensure the safety of the structure.
- 12) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 13) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 14) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 15) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.

- 16) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 17) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 18) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 19) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 20) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 21) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 22) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 23) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 24) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 25) Where authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Minor Alterations to Wetlands

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes minor alterations of up to 0.25 acre of isolated wetlands or up to 0.1 acre of non-isolated wetlands that are degraded, of low functional capacity or in situations where the proposed area lost would result in no significant change in the function and water resource values of the larger wetland system. Isolated wetlands are wetlands that are either not hydrologically connected to other waters of the state or are only connected by a wet weather conveyance.

Cumulative wetland losses for any whole project shall not exceed the acreage limits established in this permit.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) when the wetlands represent a high resource value as compared to others within the ecoregion;
- 2) when all practicable measures to avoid and minimize adverse impacts to the wetlands and other waters of the state have not been employed;
- 3) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 4) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 5) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 6) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 7) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing to alter wetlands under this general permit shall notify the division by submission of an original, signed application (form CN-1091) along with the following minimum information:

- (a) a cover letter explaining the scope of the project;
- (b) a USGS topographical map showing the exact location of the proposed project;
- (c) a description of the wetland to be altered including boundaries, vegetation and hydrologic characteristics; and
- (d) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Work shall not commence until the applicant has received written authorization from the division that proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.

- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) Wetlands alterations authorized by this general permit shall be part of a single and complete project. This general permit shall not be used in incremental means to combine with other projects to alter larger areas of wetlands.
- 5) The wetlands alterations shall not adversely affect the functions and classified use support of adjacent wetlands or to other waters of the state.
- 6) Materials used in wetlands alteration projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 7) The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum.
- 8) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 9) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 10) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 11) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 12) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 13) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 14) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction, equipment operations and project completion. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 15) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 16) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 17) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 18) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.

- 19) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 20) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Minor Dredging and Filling

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes minor dredging and filling activities within all reservoirs, including reservoirs managed by the United States Army Corps of Engineers (USCOE) and the Tennessee Valley Authority (TVA). Minor dredging activities typically include, but are not limited to, excavation of the lakebed to establish boat access by both private and commercial marinas and boathouses. Minor filling activities typically include fill for marina and boathouse construction.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 3) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, where the activity will likely mobilize the contaminated sediments;
- 4) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 5) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 6) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

- 1) Notification to the division is **not** required where the activity is located within reservoirs managed by the Tennessee Valley Authority (TVA) or the United States Army Corps of Engineers (USCOE). However, applicant shall still comply with all terms and conditions of this general permit.
- 2) Except as provided in item 1) of this section, notification to the division is required by submission of an original, signed application (form CN-1091) along with the following minimum information:
 - (a) a cover letter explaining the scope of the project;
 - (b) a USGS topographical map showing the exact location of the proposed project; and
 - (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Except as provided in item 1) of this section, work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit, with or without notification, shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) The total quantity of material excavated within the water column shall not exceed 200 cubic yards and the total excavation or fill below ordinary high water shall not exceed 500 cubic yards of material.
- 5) The excavation and fill activities associated with the dredging shall be kept to a minimum.
- 6) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 7) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 8) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 9) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 10) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 11) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 12) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 13) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 14) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 15) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 16) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 17) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 18) Materials used in dredging and filling activities shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).

- 19) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 20) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 21) Where authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Sand and Gravel Dredging

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes the excavation of dry gravel bars from streams and rivers for the purpose of gravel or sand recovery.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 3) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, where the activity will likely mobilize the contaminated sediments;
- 4) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 5) when the removal of material from the stream is for the purpose of flood control or channelization;
- 6) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 7) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

- 1) Notification and approval is **not** required where dredged sand or gravel is to be collected from and used on a private farm or residence, and where any trees growing on the gravel bar are less than two inches in diameter.
- 2) Except as provided in item 1) of this section, notification to the division is required by submission of an original, signed application (form CN-1091) along with the following minimum information:
 - (a) a cover letter explaining the scope of the project;
 - (b) a USGS topographical map showing the exact location of the proposed project; and
 - (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Except as provided in item 1) of this section, work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit, with or without notification, shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) This permit does not authorize access to private property. Arrangements concerning use of private property shall be made with the landowner.
- 5) The activity shall be conducted in the dry. Excavation equipment shall operate outside of the stream flow at all times. A berm of at least five feet in width shall be left between the work area and the stream flow, or of such width as necessary to separate excavation from the water in the stream. For this permit, a berm is considered to be the natural, undisturbed material that is left between the dredging area and the stream.
- 6) This permit does not authorize the discharge of any substance into waters of the state, for any reason, to include dredged or fill material.
- 7) Sand, gravel or other material shall not be excavated or removed below the water level of the stream at the time of dredging.
- 8) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 9) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 10) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 11) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 12) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 13) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 14) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 15) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 16) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 17) Access to the work area shall be made at one point only, limiting the disruption of riparian vegetation to an area of less than 20 feet wide.
- 18) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.

- 19) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 20) Dredged material shall not be stored or stockpiled on the gravel bed, streambed or stream banks.
- 21) Materials used in sand and gravel dredging shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 22) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 23) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 24) Where authorization is required, the division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: _____



Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Sediment Removal for Stream Remediation

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes certain stream remediation activities that serve the purpose of removing recently deposited sediment from stream beds, stream banks and riparian lands that result from releases from construction sites. These deposits shall be confined within areas that can be readily accessed and removed without additional harm to the shape and stability of the stream channel.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- (a) where the proposed activity may adversely affect wetlands;
- (b) when the removal of material from the stream is for the purpose of flood control or channelization;
- (c) where a portion of the proposed activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- (d) when the proposed activity will adversely affect a species formally listed on either State or Federal lists of threatened or endangered species or their critical habitat;
- (e) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- (f) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing to perform sediment removal and stream remediation activities in waters of the state shall notify the division in a two step process involving the sediment removal and the subsequent restoration of the stream. The applicant shall submit an original, signed application along with the following minimum information:

- 1) Immediately following sediment release applicant shall submit the following:
 - (a) a cover letter explaining the basic nature and scope of the project;
 - (b) a USGS topographical map showing the exact location of the proposed project; and
 - (c) a single copy of construction plans and drawings which shall include:
 - (i) TDEC / WPC permit numbers;
 - (ii) EPSC methods to be employed during sediment removal activities;
 - (iii) Name of receiving stream(s);
 - (iv) List of known threatened or endangered species;
 - (v) Photographs of stream prior to discharge (recommended);
 - (vi) Narrative of events that lead to the discharge;
 - (vii) Characteristics of discharge;
 - (viii) Dimensions of deposit(s); and
 - (ix) Proposed method of sediment removal;
- 2) Within seven days of sediment removal, applicant shall submit the following:
 - (a) a cover letter explaining the basic nature and scope of the project;
 - (b) Detailed plans for the proposed method of stream restoration.

Work shall not commence until the applicant has been notified by the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Equipment that will cause the least amount of damage to the environment shall be selected for performing stream remediation. Hand tools and equipment such as buckets and shovels shall be used when practicable.
- 4) The remediation work shall be done in the dry to the maximum extent practicable.
- 5) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 6) Materials used in sediment removal and stream remediation work shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 7) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 8) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 9) Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 10) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the project.
- 11) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 12) Soil stabilization shall be accomplished within 7 days after final work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 13) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the State. All spills shall be reported to the appropriate emergency management agency and to the Division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the State, including groundwater.
- 14) The activity shall be conducted in a manner that is not harmful or injurious to fish and aquatic life or that otherwise impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
- 15) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 16) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: _____



Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Stream Restoration and Habitat Enhancement

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes activities associated with the restoration of altered and/or degraded streams, their banks and riparian lands. Riparian areas are the stream banks and adjacent low lying strips of land that are frequently scoured by high waters. The riparian area may typically correspond with the floodway. "Streams" in this case includes lakes, rivers, creeks and other watercourses, but does not include wetlands. Stream restoration includes those activities that serve the purpose of restoring "natural" characteristics such as hydrology and substrates, native vegetation, and habitat functions, to altered and degraded stream channels and riparian areas. Stream restoration activities include riparian revegetation, vegetative bank stabilization, and instream habitat improvement structures and activities. Authorized structures include, but are not limited to current deflectors, log sill structures, bank crib units, rock substrates and boulder clusters.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 3) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 4) when the proposed activity will adversely affect a species formally listed on either State or Federal lists of threatened or endangered species or their critical habitat;
- 5) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 6) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing to perform stream restoration or habitat enhancement activities in waters of the State shall notify the division by submission of an original, signed application (form CN-1091) along with the following minimum information:

- (a) a cover letter explaining the scope of the project;
- (b) a USGS topographical map showing the exact location of the proposed project; and
- (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.
- 5) Equipment that will cause the least damage to the environment shall be selected for performing stream restoration. Hand operated equipment, such as shovels, axes, chainsaws and winches, should be used when practicable.
- 6) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 7) Materials used in bank stabilization shall include clean rock, riprap, anchored trees or other non-erodible materials found in the natural environment. Stabilization materials shall not include gravel, sand, sediments, chert, soil or other materials that are likely to erode.
- 8) Materials used in stream restoration projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 9) The excavation and fill activities associated with the bank stabilization shall be kept to a minimum necessary to install authorized structures or prepare bank for revegetation.
- 10) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 11) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 12) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 13) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 14) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 15) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 16) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 17) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 18) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.

- 19) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 20) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 21) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 22) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the State. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the State, including groundwater.
- 23) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 24) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Surveying and Geotechnical Exploration

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes scientific surveys and geotechnical exploration in waters of the state. Activities allowed include core sampling, seismic exploratory operations, soil surveys, soil sampling and historic resources surveys. This permit also allows the placement and operation of scientific measurement devices such as staff gages, water recording devices, water quality testing and improvement devices and similar structures.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity is drilling and excavation for test wells for oil and gas exploration;
- 2) where the proposed activity may adversely affect wetlands;
- 3) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 4) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, where the activity will likely mobilize the contaminated sediments;
- 5) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 6) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 7) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Notification to the division is **not** required for surveying and geotechnical exploration activities conducted in accordance with all terms and conditions contained in this document.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the limitations, requirements, and conditions set forth herein.
- 2) This permit does not authorize access to private property. Arrangements concerning use of private property shall be made with the landowner.
- 3) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 4) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 5) Surveying or geotechnical exploration activities conducted in navigable waters shall be conducted in a manner that does not interfere with navigation.
- 6) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.

- 7) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 8) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 9) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 10) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 11) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 12) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 13) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 14) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 15) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 16) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 17) Materials used in surveying and geotechnical exploration shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 18) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 19) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.

APPROVED: 
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05

General Permit for Utility Line Crossings

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes the construction, maintenance, repair, rehabilitation or replacement of utility line crossings of navigable and non-navigable streams. For the purpose of this general permit, bodies of water defined as navigable pursuant to §10 of the *Rivers and Harbors Act of 1899*, are subject to different restrictions than all other waters regarding the specific construction methodologies to be employed.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed project involves more than one crossing of the same stream by gravity sewer lines;
- 2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 3) where the proposed activity may adversely affect wetlands, except as provided for in item 21) of the Terms and Conditions section below;
- 4) where a portion of the proposed activity is located in any waterway which is identified by the department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 5) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 6) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 7) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing the construction, maintenance, repair, rehabilitation or replacement of utility line crossings of navigable and non-navigable streams under this general permit shall notify the division by submission of an original, signed application (form CN-1091) along with the following minimum information:

- (a) a cover letter explaining the scope of the project;
- (b) a USGS topographical map showing the exact location of the proposed project;
- (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures, and method of excavation/trenching.

Work shall not commence until the applicant has received written authorization from the division that the activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) New utility line crossings shall be located such as to avoid permanent alteration or damage to the integrity of the stream channel. Large trees, steep banks, rock outcroppings etc., should be avoided.
- 5) In the case of proposed utility lines, excluding gravity sewer, that follow the stream gradient or otherwise parallel the stream channel, the number of crossings shall be minimized. Where cumulative impacts are likely because of numerous crossings proposed, an individual permit may be required.
- 6) The crossing shall be designed to prevent the impoundment of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
- 7) The alignment of new utility line crossings shall intersect the stream channel as close to 90 degrees or as perpendicular as possible. Alignment shall be no less than 45 degrees angle from the centerline of the stream.
- 8) In the case of streams with bedrock streambeds, provisions shall be made to prevent the loss of stream flow due to fracturing of the bedrock.
- 9) Backfill activities shall be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours shall be returned to pre-project conditions and the completed activities may not disrupt or impound stream flow.
- 10) The excavation and fill activities associated with the utility line crossing of non-navigable streams shall be kept to a minimum and shall be separated from flowing waters. The crossing shall be constructed in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level.
- 11) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 12) The excavation and fill activities associated with utility line crossing of navigable streams as defined by §10 of the *Rivers and Harbors Act of 1899*, may be accomplished within the water column.
- 13) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 14) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 15) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well-grassed channel so that the discharge does not cause erosion.
- 16) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 17) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 18) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 19) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.

- 20) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 21) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 22) Maintenance, repair and rehabilitation of existing utility lines in wetlands is authorized provided that all of the following special provisions are met:
 - (a) the total amount of excavation or fill does not exceed 50 cubic yards;
 - (b) the wetlands alteration is located within the right of way of the existing utility line; and
 - (c) fill activities for the construction of equipment access roads is not authorized in wetlands.
- 23) The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.
- 24) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 25) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. Stream crossings should be constructed of clean rock and stream flow should be conveyed in appropriately sized pipe. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 26) Materials used in utility crossing projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 27) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 28) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 29) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 30) Upon completion of the project, the stream and banks shall be returned to as close to pre-project conditions as is practicable, using clean rock, grass mats and other suitable materials.
- 31) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: _____



Paul E. Davis, Director, Water Pollution Control

DATE: 10-30-05

General Permit for Wetlands Restoration and Enhancement

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes wetland restoration and enhancement activities in waters of the state. It is intended to allow restoration and enhancement of altered and/or degraded wetlands. Restoration and enhancement activities are typically associated with activities such as greenway development, compensatory mitigation activities, habitat enhancement and watershed protection. Such activities include installation and maintenance of small water control structures, dikes and berms; backfilling of existing drainage structures; construction of small nesting islands, plowing and disking for seed bed preparation; and other related activities.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where a portion of the proposed activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the activity will likely mobilize the contaminated sediments;
- 2) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters;
- 3) when the proposed activity will adversely affect a species formally listed on either State or Federal lists of threatened or endangered species or their critical habitat;
- 4) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 5) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Applicants proposing to do wetlands restoration and enhancement activities under this general permit shall notify the Division by submission of an original, signed application (form CN-1091) along with the following minimum information:

- (a) a cover letter explaining the scope of the project;
- (b) a USGS topographical map showing the exact location of the proposed project;
- (c) a single copy of construction plans and drawings which include all dimensions and specifications for the proposed work, as well as pollution control methods and/or structures.

Work shall not commence until the applicant has received written authorization from the division that the proposed activities may proceed under this general permit or that an individual permit has been issued.

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

Terms and Conditions

- 1) The work shall be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.

- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 5) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 6) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and shall be removed when design capacity has been reduced by 50%. Discharges from sediment basins and traps shall be through a pipe or lined or well grassed channel so that the discharge does not cause erosion.
- 7) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 8) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction, equipment operations and project completion. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 9) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- 10) Stabilization measures shall be initiated within seven days after the construction activity has temporarily or permanently ceased.
- 11) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 12) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 13) Muddy water to be pumped from excavation and work areas shall be held in settling basins or filtered prior to its discharge into surface waters. Settling basins shall not be located closer than 20 feet from the top bank of the stream and water shall be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.
- 14) Materials used in wetlands restoration and enhancement projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 15) The excavation and fill activities associated with the wetlands restoration and enhancement shall be kept to a minimum.
- 16) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 17) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.

- 18) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 19) The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit expiration date.

APPROVED: Paul E. Davis
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05